

It was alleged in the information that the article was adulterated in that a product which contained less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent by weight of milk fat as prescribed by the act of March 4, 1923, which the said article purported to be.

Misbranding was alleged for the reason that the statement "Butter," borne on the packages containing the article, was false and misleading; and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser, since the said statement represented that the article was butter, a product which should contain not less than 80 per cent by weight of milk fat; whereas it was not butter, in that it contained less than 80 per cent by weight of milk fat.

On February 12, 1932, the defendants entered pleas of guilty to all counts of the information, and the court imposed a penalty of \$50 and costs.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19557. Adulteration of dried black figs. U. S. v. 25 Boxes of Dried Black Figs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27362. I. S. No. 22527. S. No. 5552.)

Samples of dried black figs from the shipment herein described having been found to be insect-infested, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Washington.

On December 14, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 25 boxes of dried black figs, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped in interstate commerce by the Joe Mangini Draying Co. (Inc.), for A. Ghianda, the grower, from San Francisco, Calif., on or about November 21, 1931, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Box) "Shasta Brand Fancy Black Mission Figs Grown & Packed by A. Ghianda, Thermalito, California."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On February 11, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19558. Adulteration of canned salmon. U. S. v. 598 Cases of Canned Salmon. Consent decree of condemnation. Product released under bond. (F. & D. No. 27365. I. S. No. 47159. S. No. 5565.)

Samples of canned salmon taken from the interstate shipment involved in this action having been found to be tainted or stale, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Kentucky.

On December 12, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 598 cases of the said canned salmon, remaining in the original packages at Campbellsville, Ky., alleging that the article had been shipped in interstate commerce by McGovern & McGovern, from Seattle, Wash., on or about November 1, 1931, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Sea Flyer Brand Alaska Pink Salmon * * * Distributed by McGovern & McGovern Seattle."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

On February 1, 1932, the Wrangel Packing Corporation, Seattle, Wash., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$3,500, conditioned in part that it should not be sold or otherwise disposed of contrary to the provisions of the Federal food and drugs act, and all other laws relating thereto. Subsequently an order was entered by the court permitting shipment of the goods under proper supervision to San Francisco, Calif., to be reconditioned in accordance with the terms of the decree.

ARTHUR M. HYDE, *Secretary of Agriculture.*